

C. Remarks

The claims are 1 and 4-15, with claims 1, 8, and 11 being independent. Claims 2 and 3 have been cancelled without prejudice or disclaimer. The independent claims have been amended to further clarify the present invention. Support for this amendment may be found, for example, in the cancelled claims as well as in Figs. 4 and 5 and at page 9, line 19 - page 11, line 25. Claim 4 has been amended to reflect the cancellation of claim 3 and the changes in claim 1. No new matter has been added. Reconsideration of the claims is expressly requested.

Claims 1-5, 8, and 11-13 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from U.S. Patent Application No. 2005/0272169 A1 (Griffin) in view of U.S. Patent No. 5,229,297 (Schnipelsky). Claims 6, 7, 9, 10, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Griffin and Schnipelsky in view of U.S. Patent No. 6,432,719 B2 (Vann). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly discuss some of the features and advantages of the presently claimed invention. That invention is related, in pertinent part, to a biochemical reaction cartridge and to a method and system utilizing this cartridge. The biochemical cartridge in accordance with the claimed invention includes a reaction portion with at least one blank reaction chamber and a solution storage portion, which is not superposed on the reaction portion when the cartridge is not in use.

The chamber is opened outward by a first-stage pushing of the valve stem with a tool needle (e.g., 13a in Fig. 4) to move the solution in the solution storage portion to the chamber, and is sealed up by a further second-stage pushing of the valve stem with the tool needle (see 13b in Fig. 5) (e.g., the needle has been turned upside down (page 11, lines 9-14)). As a result of a combination of first-stage pushing with the tool needle and further second-stage pushing with the tool needle (e.g., the tool needle has been turned upside down), accurate supply and sealing can be achieved by simple pushing operations.

Griffin is directed to a biochemical analysis device. Applicants respectfully submit that this reference does not disclose or suggest the above-discussed combination. Griffin merely teaches a piercing pin 145 (Fig.3) and a sample plunger 130 (Fig. 3). Griffin, however, fails to disclose or suggest that the sample plunger 130 is used in two-stage pushing.

Neither Schnipelsky nor Vann can cure the deficiencies of Griffin as these references do not disclose or suggest the same above-mentioned features, which are missing in Griffin. Thus, even if the teachings of these references could be combined, the resulting combination still falls short of the presently claimed invention.

Accordingly, whether considered separately or in combination, the cited references cannot affect the patentability of the presently claimed invention. Wherefore, withdrawal of the outstanding rejections and expedient passage of the application to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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